



House of Representatives

General Assembly

File No. 463

February Session, 2014

Substitute House Bill No. 5080

House of Representatives, April 9, 2014

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DEER MANAGEMENT PROGRAMS ON PRIVATE PROPERTY AND AUTHORIZING BOW AND ARROW HUNTING ON CERTAIN PRIVATE PROPERTY ON SUNDAYS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 26-82 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2014*):

4 (a) No person shall hunt, pursue, wound or kill any deer or sell or
5 offer for sale or have in possession the flesh of any deer captured or
6 killed in this state, or have in possession the flesh of any deer from any
7 other state or country unless it is properly tagged as required by such
8 state or country except as provided by the terms of this chapter or
9 regulations adopted pursuant thereto, and except that any landowner
10 or primary lessee of land owned by such landowner or the husband or
11 wife or any lineal descendant of such landowner or lessee or any
12 designated agent of such landowner or lessee may kill deer with a
13 shotgun, rifle or bow and arrow provided a damage permit has first

14 been obtained from the commissioner and such person has not been
15 convicted for any violation of this section, section 26-85, 26-86a, as
16 amended by this act, 26-86b or 26-90 or subsection (b) of section 26-
17 86a-2 of the regulations of Connecticut state agencies within three
18 years preceding the date of application. Upon the receipt of an
19 application, on forms provided by the commissioner and containing
20 such information as said commissioner may require, from any
21 landowner who has or whose primary lessee has an actual or potential
22 gross annual income of twenty-five hundred dollars or more from the
23 commercial cultivated production of grain, forage, fruit, vegetables,
24 flowers, ornamental plants or Christmas trees and who is experiencing
25 an actual or potential loss of income because of severe damage by deer,
26 the commissioner shall issue not more than six damage permits
27 without fee to such landowner or the primary lessee of such
28 landowner, or the wife, husband, lineal descendant or designated
29 agent of such landowner or lessee. The application shall be notarized
30 and signed by all landowners or by the landowner or a lessee to whom
31 a farmer tax exemption permit has been issued pursuant to
32 subdivision (63) of section 12-412. Such damage permit shall be valid
33 through October thirty-first of the year in which it is issued and may
34 specify the hunting implement or shot size or both which shall be used
35 to take such deer. The commissioner may at any time revoke such
36 permit for violation of any provision of this section or for violation of
37 any regulation pursuant thereto or upon the request of the applicant.
38 Notwithstanding the provisions of section 26-85, the commissioner
39 may issue a permit to any landowner or primary lessee of land owned
40 by such landowner or the husband or wife or any lineal descendant of
41 such landowner or lessee and to not more than three designated agents
42 of such landowner or lessee to use a jacklight for the purpose of taking
43 deer when it is shown, to the satisfaction of the commissioner, that
44 such deer are causing damage which cannot be reduced during the
45 daylight hours between sunrise and one-half hour after sunset on the
46 land of such landowner. The commissioner may require notification as
47 specified on such permit prior to its use. Any deer killed in accordance
48 with the provisions of this section shall be the property of the owner of

49 the land upon which the same has been killed, but shall not be sold,
50 bartered, traded or offered for sale, and the person who kills any such
51 deer shall tag and report each deer killed, as provided in section 26-
52 86b. Upon receipt of the report required by section 26-86b, the
53 commissioner shall issue an additional damage permit to the person
54 making such report. Any deer killed otherwise than under the
55 conditions provided for in this chapter or regulations adopted
56 pursuant thereto shall remain the property of the state and may be
57 disposed of by the commissioner at the commissioner's discretion to
58 any state institution or may be sold and the proceeds of such sale shall
59 be remitted to the State Treasurer, who shall apply the same to the
60 General Fund, and no person, except the commissioner, shall retail, sell
61 or offer for sale the whole or any part of any such deer. No person
62 shall be a designated agent of more than one landowner or primary
63 lessee in any calendar year. No person shall make, set or use any trap,
64 snare, salt lick, bait or other device for the purpose of taking, injuring
65 or killing any deer, except that deer may be taken over an attractant in
66 areas designated by the commissioner. For the purposes of this section,
67 an attractant means any natural or artificial substance placed, exposed,
68 deposited, distributed or scattered that is used to attract, entice or lure
69 deer to a specific location including, but not limited to, salt, chemicals
70 or minerals, including their residues or any natural or artificial food,
71 hay, grain, fruit or nuts. The commissioner may authorize any
72 municipality, landowner, homeowner association or nonprofit land-
73 holding organization approved by the commissioner under the
74 provisions of this section to take deer at any time, other than Sundays,
75 or place using any method consistent with professional wildlife
76 management principles when a severe nuisance or ecological damage
77 can be demonstrated to the satisfaction of the commissioner. Any such
78 municipality, landowner, homeowner association or nonprofit land-
79 holding organization shall submit to the commissioner, for the
80 commissioner's review and approval, a plan that describes the extent
81 and degree of the nuisance or ecological damage and the proposed
82 methods of taking. Prior to the implementation of any such approved
83 plan, the municipality, landowner, homeowner association or

84 nonprofit land-holding organization shall provide notice of such plan
85 to any abutting landowners of such place where the plan will be
86 implemented. Such plan shall not authorize the use of a snare. No
87 person shall hunt, pursue or kill deer being pursued by any dog,
88 whether or not such dog is owned or controlled by such person, except
89 that no person shall be guilty of a violation under this section when
90 such a deer is struck by a motor vehicle operated by such person. No
91 person shall use or allow any dog in such person's charge to hunt,
92 pursue or kill deer. No permit shall be issued when in the opinion of
93 the commissioner the public safety may be jeopardized.

94 Sec. 2. Section 26-73 of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective October 1, 2014*):

96 Sunday shall be a closed season except for hunting deer with bow
97 and arrow on private property and for the purpose of trapping under
98 the provisions of this chapter. The possession in the open air on
99 Sunday of any implement for hunting, except for bow and arrow, shall
100 be prima facie evidence of hunting in violation of the provisions of this
101 section. No provision of this section shall be construed so as to affect
102 any provision of section 26-31, 26-48, 26-52 or 27-35. [or apply to the
103 use of bow and arrow for purposes other than hunting.] Artificially
104 propagated birds designated by the commissioner may be shot on
105 Sundays on licensed private shooting preserves subject to such
106 regulations of the commissioner as may apply to such private shooting
107 preserves, provided permission so to shoot has been obtained from the
108 town or towns within which such licensed private shooting preserves
109 are located. Any person who hunts deer on Sunday with bow and
110 arrow on private property pursuant to this section shall: (1) Conduct
111 such hunting only in deer management zones determined by the
112 Department of Energy and Environmental Protection to be
113 overpopulated and only in accordance with and pursuant to the
114 wildlife management principles and practices established by the
115 Commissioner of Energy and Environmental Protection, (2) have the
116 written permission of the private property owner where such hunting
117 is conducted, and (3) carry such written permission upon his or her

118 person during the hunting. No person shall hunt with bow and arrow
119 on Sunday on private property pursuant to this section within forty
120 yards of a blazed hiking trail.

121 Sec. 3. Subsection (a) of section 26-86a of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective*
123 *October 1, 2014*):

124 (a) The commissioner shall establish by regulation adopted in
125 accordance with the provisions of chapter 54 standards for deer
126 management, and methods, regulated areas, bag limits, seasons and
127 permit eligibility for hunting deer with bow and arrow, muzzleloader
128 and shotgun, except that no such hunting shall be permitted on
129 Sunday by any means other than with bow and arrow on private
130 property pursuant to section 26-73, as amended by this act. No person
131 shall hunt, pursue, wound or kill deer with a firearm without first
132 obtaining a deer permit from the commissioner in addition to the
133 license required by section 26-27. Application for such permit shall be
134 made on forms furnished by the commissioner and containing such
135 information as he may require. Such permit shall be of a design
136 prescribed by the commissioner, shall contain such information and
137 conditions as the commissioner may require, and may be revoked for
138 violation of any provision of this chapter or regulations adopted
139 pursuant thereto. As used in this section, "muzzleloader" means a rifle
140 or shotgun of at least forty-five caliber, incapable of firing a self-
141 contained cartridge, which uses powder, a projectile, including, but
142 not limited to, a standard round ball, mini-balls, maxi-balls and Sabot
143 bullets, and wadding loaded separately at the muzzle end, and "rifle"
144 means a long gun the projectile of which is six millimeters or larger in
145 diameter. The fee for a firearms permit shall be nineteen dollars for
146 residents of the state and sixty-eight dollars for nonresidents, except
147 that any nonresident who is an active full-time member of the armed
148 forces, as defined in section 27-103, may purchase a firearms permit for
149 the same fee as is charged a resident of the state. The commissioner
150 shall issue, without fee, a private land deer permit to the owner of ten
151 or more acres of private land and the husband or wife, parent,

152 grandparent, sibling and any lineal descendant of such owner,
 153 provided no such owner, husband or wife, parent, grandparent, sibling
 154 or lineal descendant shall be issued more than one such permit per
 155 season. Such permit shall allow the use of a rifle, shotgun,
 156 muzzleloader or bow and arrow on such land from November first to
 157 December thirty-first, inclusive. Deer may be so hunted at such times
 158 and in such areas of such state-owned land as are designated by the
 159 Commissioner of Energy and Environmental Protection and on
 160 privately owned land with the signed consent of the landowner, on
 161 forms furnished by the department, and such signed consent shall be
 162 carried by any person when so hunting on private land. The owner of
 163 ten acres or more of private land may allow the use of a rifle to hunt
 164 deer on such land during the shotgun season. The commissioner shall
 165 determine, by regulation, the number of consent forms issued for any
 166 regulated area established by said commissioner. The commissioner
 167 shall provide for a fair and equitable random method for the selection
 168 of successful applicants who may obtain shotgun and muzzleloader
 169 permits for hunting deer on state lands. Any person whose name
 170 appears on more than one application for a shotgun permit or more
 171 than one application for a muzzleloader permit shall be disqualified
 172 from the selection process for such permit. No person shall hunt,
 173 pursue, wound or kill deer with a bow and arrow without first
 174 obtaining a bow and arrow permit pursuant to section 26-86c. "Bow
 175 and arrow", as used in this section and in section 26-86c, means a bow
 176 with a draw weight of not less than forty pounds. The arrowhead shall
 177 have two or more blades and may not be less than seven-eighths of an
 178 inch at the widest point. No person shall carry firearms of any kind
 179 while hunting with a bow and arrow under this section and section 26-
 180 86c.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2014</i>	26-82(a)
Sec. 2	<i>October 1, 2014</i>	26-73
Sec. 3	<i>October 1, 2014</i>	26-86a(a)

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Less than 40,000	Less than 40,000

Municipal Impact: None

Explanation

The bill allows Sunday deer hunting with a bow and arrow under certain conditions. This expanded hunting program is anticipated to result in a 5% increase in the number of resident and non-resident archery permits sold, resulting in a potential revenue gain to the Department of Energy and Environmental Protection (DEEP) of less than \$40,000 annually. In calendar year 2013, DEEP issued 15,800 permits for hunting deer and small game with a bow and arrow for: (1) junior residents and non-residents (at a cost of \$19 each); (2) adult residents (at a cost of \$41 each); and (3) adult non-residents (at a cost of \$135 each) generating \$769,682 in revenue.

In addition, the bill may result in fewer violations of the prohibition against hunting on Sundays. In FY 13, there were two offenses and one was charged.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of permits sold.

OLR Bill Analysis**sHB 5080*****AN ACT CONCERNING DEER MANAGEMENT PROGRAMS ON PRIVATE PROPERTY AND AUTHORIZING BOW AND ARROW HUNTING ON CERTAIN PRIVATE PROPERTY ON SUNDAYS.*****SUMMARY:**

This bill allows Sunday deer hunting with a bow and arrow on private land in overpopulated deer management zones, as the Department of Energy and Environmental Protection (DEEP) determines (see BACKGROUND). The hunting (1) must be in accordance with DEEP's wildlife management principles and practices and (2) cannot take place within 40 yards of a blazed (clearly marked) hiking trail. The hunter must have the private landowner's written permission to hunt there and carry it while hunting. By law, no one can hunt deer with a bow and arrow without first obtaining a DEEP bow and arrow permit.

A violation of the Sunday hunting law is a class D misdemeanor, punishable by a fine of up to \$250, imprisonment of up to 30 days, or both (CGS § 26-81). The bill eliminates a provision that makes possessing a bow and arrow outdoors on Sunday prima facie evidence of hunting in violation of the law.

The bill also authorizes the DEEP commissioner to allow landowners to take (kill) deer under certain specified conditions and in accordance with a plan he approves. By law, he already may allow municipalities, homeowner associations, or nonprofit land-holding organizations to take deer under the same conditions.

EFFECTIVE DATE: October 1, 2014

TAKING OF DEER BY LANDOWNERS

The bill authorizes the DEEP commissioner to allow a landowner to take deer in a manner consistent with professional wildlife management principles if the landowner can show to his satisfaction that the deer present a severe nuisance or are causing ecological damage. The landowner must (1) submit for the commissioner's approval a plan describing the extent and degree of the nuisance or damage and the proposed ways of taking the deer and (2) notify abutting landowners of the approved plan before implementing it. A landowner's taking of deer cannot involve the use of a snare or occur on Sundays.

A first violation of these provisions is punishable by a fine of between \$200 and \$500, imprisonment of between 30 days and six months, or both. Subsequent violations are punishable by a fine of between \$200 and \$1,000, imprisonment of up to one year, or both (CGS § 26-82(b)).

BACKGROUND

Deer Management Zones

DEEP has identified 13 deer management zones throughout the state, and currently estimates that 10 of the zones are overpopulated. DEEP considers a zone overpopulated if it has more than 20 deer per square mile.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 5 (03/21/2014)